

CHAPTER 187**THEFT OF LIBRARY MATERIALS AND EQUIPMENT***H.F. 438*

AN ACT relating to the borrowing of library materials and equipment and evidence of intent in cases alleging theft of such materials and equipment, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 702.22, Code 1985, is amended to read as follows:

702.22 LIBRARY MATERIALS AND EQUIPMENT.

1. "Library materials" include books, plates, pictures, photographs, engravings, paintings, drawings, maps, newspapers, magazines, pamphlets, broadsides, manuscripts, documents, letters, public records, microforms, sound recordings, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts, and written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of any of the following:

1 a. A public library.

2 b. A library of an educational, historical, or eleemosynary institution, organization, or society.

3 c. A museum.

4 d. A repository of public records.

2. "Library equipment" includes audio, visual, or audiovisual machines, machinery or equipment belonging to, on loan to or otherwise in the custody of one of the institutions or agencies listed in subsection 1.

Sec. 2. Section 714.5, Code 1985, is amended to read as follows:

714.5 LIBRARY MATERIALS AND EQUIPMENT — UNPURCHASED MERCHANDISE — EVIDENCE OF INTENTION.

The fact that a person has concealed library materials or equipment as defined in section 702.22 or unpurchased property of a store or other mercantile establishment, either on the premises or outside the premises, is material evidence of intent to deprive the owner, and the finding of library materials or equipment or unpurchased property concealed upon the person or among the belongings of the person, is material evidence of intent to deprive and, if the person conceals or causes to be concealed library materials or equipment or unpurchased property, upon the person or among the belongings of another, the finding of the same concealed materials, equipment or property is also material evidence of intent to deprive on the part of the person concealing the library materials, equipment or goods.

The fact that a person fails to return library materials for ~~six~~ two months or more after the date the person agreed to return the library materials, or fails to return library equipment for one month or more after the date the person agreed to return the library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment. Notices stating

the provisions of this section and of section 808.12 with regard to library materials or equipment shall be posted in clear public view in all public libraries, in all libraries of educational, historical or charitable institutions, organizations or societies, in all museums and in all repositories of public records.

After the expiration of three days following the due date, the owner of borrowed library equipment may request the assistance of a dispute resolution center, mediation center or appropriate law enforcement agency in recovering the equipment from the borrower.

The owner of library equipment may require deposits by borrowers and in the case of late returns the owner may impose graduated penalties of up to twenty-five percent of the value of the equipment, based upon the lateness of the return.

In the case of lost library materials or equipment, arrangements may be made to make a monetary settlement.

If library materials or equipment to be loaned to a person have a value of \$500 or more, the owner shall require a deposit and shall require the borrower to enter into a written agreement setting forth the amount of the deposit, the due date and the penalties for failure to return the materials or equipment as agreed. The deposit shall be returned in full if the materials or equipment are returned without damage on or before the due date.

Approved May 24, 1985

CHAPTER 188

SECURITY INTERESTS IN FARM PRODUCTS

H.F. 554

AN ACT relating to security interests in farm products and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 554.9307, subsection 1, Code 1985, is amended to read as follows:

1. ~~Except as provided in subsection 4, a buyer in ordinary course of business (subsection 9 of section 554.1201) other than a person buying farm products from a person engaged in farming operations as defined in section 554.1201, subsection 9, takes free of a security interest created by that person's seller even though the security interest is perfected and even though the buyer knows of its existence. For purposes of this section, a buyer or buyer in ordinary course of business includes any commission merchant, selling agent, or other person engaged in the business of receiving livestock as defined in section 189A.2 on commission for or on behalf of another.~~

Sec. 2. Section 554.9307, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 4. a. A buyer in ordinary course of business buying farm products from a person engaged in farming operations takes free of a security interest created by that person's seller even though the security interest is perfected, unless the buyer receives prior